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10/775,013	02/09/2004	Timothy M. Shanley	TRA-093	9796	
Gordon & Jaco	7590 02/15/2008 bson P C	EXAM	EXAMINER		
65 Woods End Road			FAROUL, FARAH		
Stamford, CT 0)6905		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Applicat	Application No. Applicant(s)					
.*	10/775,0	13	SHANLEY ET AL.				
Office Action Summary	Examine	r	Art Unit				
	Farah Fa		2616	·			
The MAILING DATE of this commun Period for Reply	ication appears on th	e cover sheet with the c	correspondence add	Iress			
A SHORTENED STATUTORY PERIOD F WHICHEVER IS LONGER, FROM THE M - Extensions of time may be available under the provisions after SIX (6) MONTHS from the mailing date of this comm - If NO period for reply is specified above, the maximum sta - Failure to reply within the set or extended period for reply Any reply received by the Office later than three months a earned patent term adjustment. See 37 CFR 1:704(b).	AILING DATE OF T of 37 CFR 1.136(a). In no evalunication. atutory period will apply and v will, by statute, cause the ap	HIS COMMUNICATION vent, however, may a reply be tin vill expire SIX (6) MONTHS from plication to become ABANDONE	N. mely filed n the mailing date of this cor ED (35 U.S.C. § 133).				
Status				•			
1) Responsive to communication(s) file	d on <u>27 November 2</u>	<u>2007</u> .					
<u> </u>	This action is FINAL . 2b)⊠ This action is non-final.						
,	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practi	ce under <i>Ex parte Q</i>	uayle, 1935 C.D. 11, 4	53 O.G. 213.				
Disposition of Claims							
4) ⊠ Claim(s) <u>1-55</u> is/are pending in the a 4a) Of the above claim(s) is/a 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) <u>1-55</u> is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restrict	re withdrawn from co						
Application Papers							
9) ☐ The specification is objected to by the 10) ☑ The drawing(s) filed on 09 February Applicant may not request that any objected to the company of the c	2004 is/are: a)☐ acction to the drawing(s) the correction is requi	be held in abeyance. Se red if the drawing(s) is ob	e 37 CFR 1.85(a). pjected to. See 37 CF	R 1.121(d).			
Priority under 35 U.S.C. § 119	•			•			
12) Acknowledgment is made of a claim a) All b) Some * c) None of: 1. Certified copies of the priority 2. Certified copies of the priority 3. Copies of the certified copies application from the Internatio * See the attached detailed Office actio	documents have be documents have be of the priority docum nal Bureáu (PCT Ru	en received. en received in Applicat ents have been receiv le 17.2(a)).	ion No ed in this National S	Stage			
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (P3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	TO-948)	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal 6 6) Other:	ate				

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DETAILED ACTION

1. The following Office Action is based on the amendment filed on November 27, 2007, having claims 1-55 and figures 1-9.

Drawings

2. The drawings are objected to because of the following informalities: Figures 1-2 and 3B are objected because they include dark spots that are not readable. Elements 10c, 10e, 12c, 12e are not readable. Neat black-and-white drawings are required. Handwritten notes on the drawings are not allowed. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Objections

3. Claims 1-55 are objected to because of the following informalities:

The word ETHERNET listed in all claims need to be written in lower-case letters as it is neither an acronym or trademark. However, the first letter of the word should be in upper-case (Ethernet).

The word PAUSE listed in all claims need to be written in lower-case letters as it is neither an acronym or trademark. However, the first letter of the word should be in upper-case (Pause).

The words XON/XOFF should be written as "Xon/Xoff".

The words XON/XOFF/NO CHANGE should be written as "Xon/Xoff/NoChange".

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of claims 27-55 renders the claims vague and indefinite. The preamble of claims 27-55 should be rewritten to recite "system" instead of "apparatus" as there are several MAC clients within the claims.

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 6-8, 10-19, 21-29, 32-34, 36-45, and 47-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saint Etienne et al. (US 7,242,683 B2) in view of Unitt et al. (US 2004/0028405 A1).

For claim 1, Saint Etienne discloses receiving PDUs (column 1, lines 25-28 wherein the "useful load" is the PDUs) from multiple streams (col. 2, line 21-35, where multiple virtual links are multiplexed over a single full-duplex Ethernet link) at a first MAC client (Fig 2, element 13); encapsulating each PDU in a MAC frame which includes an identification of the stream to which the PDU belongs (col. 1, lines 25-28, where a frame is created by encapsulating the useful load, i.e. the PDU, in an Ethernet frame, see also col. 3, lines 49-53)

Transmitting the MAC frames over an Ethernet link to a second MAC client (Fig 2, element 14) receiving the MAC frames at the second MAC client (col. 4, line 64-col. 5, line 11, where each client may transmit frames to a plurality of virtual links, such that the MAC client must receive information from multiple streams)

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Decapsulating each PDU (col. 3, lines 44-52, where "putting the data together again" requires the destination equipment to decapsulate each PDU, see also col. 1, lines 25-28); and forwarding each PDU to a port buffer associated with the stream identified in the MAC frame from which each PDU was decapsulated (col. 3, lines 44-52, where the data is made "available to the receiving application," i.e. the PDUs are forwarded to a port associated with the stream identified in the MAC frame)

For claim 1, Saint Etienne discloses the entire claimed invention except for monitoring each buffer for fullness and transmitting a Pause control frame from the second MAC client to the first MAC client, the Pause control frame indicating the fullness condition of each buffer

Unitt, from the same or similar field of endeavor, teaches sending a Pause control frame when a node can no longer process any more traffic, the Pause control frame indicating the level of congestion of the queue (paragraph 58).

Thus, it would have been obvious to one of ordinary skill in the art to combine the congestion control of Unitt with the communication network of Saint Etienne at the time of the invention. The congestion control of Unitt is implemented into the communication network of Saint Etienne by sending a Pause control to restrict the traffic flow into the buffers. The motivation to combine the congestion control of Unitt with the communication of Saint Etienne is that it increases system throughput.

For claim 16, Saint Etienne discloses receiving MAC frames from a MAC client, each frame containing a PDU (column 1, lines 25-28 wherein the "useful load" is the PDUs) and an indication of the stream to which the PDU belongs (col. 2, lines 21-35,

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where the source subscriber equipment creates frames, with each frame containing a field that identifies the virtual link to which the frame belongs);

Decapsulating the PDUs (col. 3, lines 44-52, where "putting the data together again" requires the destination equipment to decapsulate each PDU, see also col. 1, lines 25-28); and storing each PDU in a buffer associated with the stream indicated in the MAC frame (col. 3, lines 44-52, where the data is made "available to the receiving application," i.e. the PDUs are forwarded to a port associated with the stream identified in the MAC frame)

For claim 16, Saint Etienne discloses the entire claimed invention except for monitoring the fullness of each buffer and transmitting a Pause control frame to the MAC client, the Pause control frame indicating the fullness condition of each buffer

Unitt, from the same or similar field of endeavor, teaches sending a Pause control frame when a node can no longer process any more traffic, the Pause control frame indicating the level of congestion of the queue (paragraph 58).

Thus, it would have been obvious to one of ordinary skill in the art to combine the congestion control of Unitt with the communication network of Saint Etienne at the time of the invention. The congestion control of Unitt is implemented into the communication network of Saint Etienne by sending a Pause control to restrict the traffic flow into the buffers. The motivation to combine the congestion control of Unitt with the communication of Saint Etienne is that it increases system throughput.

For claim 27, Saint Etienne discloses a first MAC client (Fig 2, element 13); a second MAC client (Fig 2, element 14) coupled to the first MAC client by the Ethernet

link (col. 2, lines 21-35, where the system include at least one destination subscriber equipment, i.e. a second MAC client, connected to the source MAC client over an Ethernet link);

The first MAC client having means for receiving PDUs from multiple streams (column 1, lines 25-28 wherein the "useful load" is the PDUs) from multiple streams (col. 2, line 21-35, where multiple virtual links are multiplexed over a single full-duplex Ethernet link); means for encapsulating each PDU in a MAC frame which includes an identification of the stream to which the PDU belongs (col. 2, lines 21-35, where the source subscriber equipment creates frames, with each frame containing a field that identifies the virtual link to which the frame belongs, and col. 1, lines 25-28, where a frame is created by encapsulating the useful load, i.e. the PDU, in an Ethernet frame); means for transmitting the MAC frames over the Ethernet link to the second MAC client (col. 4, line 64-col. 5, line 11, where each client may transmit frames to a plurality of virtual links, such that the MAC client must receive information from multiple streams);

The second MAC client having means for receiving the MAC frames transmitted by the first MAC client (col. 4, line 64-col. 5, line 11, where each client may transmit frames to a plurality of virtual links, such that the MAC client must receive information from multiple streams); means for decapsulating each PDU (col. 3, lines 44-52, where "putting the data together again" requires the destination equipment to decapsulate each PDU, see also col. 1, lines 25-28); means for forwarding each PDU to a port buffer associated with the stream identified in the MAC frame from which each PDU was decapsulated (col. 3, lines 44-52, where the data is made "available to the receiving

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application," i.e. the PDUs are forwarded to a port associated with the stream identified in the MAC frame).

For claim 27, Saint Etienne discloses the entire claimed invention except for monitoring each buffer for fullness and means for transmitting a Pause control frame to the first MAC client, the Pause control frame indicating the fullness condition of each buffer.

Unitt, from the same or similar field of endeavor, teaches sending a Pause control frame when a node can no longer process any more traffic, the Pause control frame indicating the level of congestion of the queue (paragraph 58).

Thus, it would have been obvious to one of ordinary skill in the art to combine the congestion control of Unitt with the communication network of Saint Etienne at the time of the invention. The congestion control of Unitt is implemented into the communication network of Saint Etienne by sending a Pause control to restrict the traffic flow into the buffers. The motivation to combine the congestion control of Unitt with the communication of Saint Etienne is that it increases system throughput.

For claims 42 and 55, Saint Etienne discloses means for receiving MAC frames from a MAC client over the Ethernet link (col. 4, line 64-col. 5, line 11, where each client may transmit frames to a plurality of virtual links, such that the MAC client must receive information from multiple streams); each frame containing a PDU and an indication of the steam to which the PDU belongs column 1, lines 25-28 wherein the "useful load" is the PDUs) and an indication of the stream to which the PDU belongs (col. 2, lines 21-

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35, where the source subscriber equipment creates frames, with each frame containing a field that identifies the virtual link to which the frame belongs)

A plurality of buffers, one buffer associated with the stream (col. 3, lines 44-52, where "queuing" indicates the use of buffers to reconstruct the data); means for decapsulating the PDUs (col. 3, lines 44-52, where "putting the data together again" requires the destination equipment to decapsulate each PDU, see also col. 1, lines 25-28); and storing each PDU in a buffer associated with the stream indicated in the MAC frames (col. 3, lines 44-52, where the data is made "available to the receiving application," i.e. the PDUs are forwarded to a port associated with the stream identified in the MAC frame).

For claims 42 and 55, Saint Etienne discloses the entire claimed invention except for means for monitoring the fullness of each buffer and means for transmitting a Pause control frame to the MAC client, the Pause control frame indicating the fullness of each buffer.

Unitt, from the same or similar field of endeavor, teaches sending a Pause control frame when a node can no longer process any more traffic, the Pause control frame indicating the level of congestion of the queue (paragraph 58).

Thus, it would have been obvious to one of ordinary skill in the art to combine the congestion control of Unitt with the communication network of Saint Etienne at the time of the invention. The congestion control of Unitt is implemented into the communication network of Saint Etienne by sending a Pause control to restrict the traffic flow into the

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buffers. The motivation to combine the congestion control of Unitt with the communication of Saint Etienne is that it increases system throughput.

For claim 53, Saint Etienne discloses a first MAC client; a second MAC client coupled the first MAC client by the Ethernet link (col. 2, lines 21-35, where the system include at least one destination subscriber equipment, i.e. a second MAC client, connected to the source MAC client over an Ethernet link);

The first MAC client (Fig 2, element 13) having at least one buffer coupled to a source of PDUs from multiple streams; an addressing and scheduling module coupled to the at least one buffer, the addressing and scheduling module encapsulating each PDU in a MAC frame which includes an identification of the stream to which the PDU belongs (col. 2, lines 21-35, where the source subscriber equipment creates frames, with each frame containing a field that identifies the virtual link to which the frame belongs, and col. 1, lines 25-28, where a frame is created by encapsulating the useful load, i.e. the PDU, in an Ethernet frame); a MAC transmitter coupled to the addressing and scheduling block and to the Ethernet link, the MAC transmitter transmitting the MAC frames over the Ethernet link to the second MAC client (col. 4, line 64-col. 5, line 11, where each client may transmit frames to a plurality of virtual links, such that the MAC client must receive information from multiple streams);

The second MAC client (Fig 2, element 14) having a MAC receiver coupled the Ethernet link, the MAC receiver receiving the MAC frames transmitted by the first MAC client (col. 4, line 64-col. 5, line 11, where each client may transmit frames to a plurality of virtual links, such that the MAC client must receive information from multiple

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streams); a receiving addressing module coupled to the MAC receiver, the receive addressing module decapsulating each PDU (col. 3, lines 44-52, where "putting the data together again" requires the destination equipment to decapsulate each PDU, see also col. 1, lines 25-28);

A plurality of port buffers coupled the receive addressing module, each port buffer being associated with the stream identified in the MAC frame from which each PDU was decapsulated (col. 3, lines 44- 52, where the data is made "available to the receiving application," i.e. the PDUs are forwarded to a port associated with the stream identified in the MAC frame).

For claim 53, Saint Etienne discloses the entire claimed invention except for a congestion monitor coupled to the port buffers, the congestion monitor monitoring each buffer for fullness and a downstream MAC transmitter coupled to the congestion monitor, the downstream MAC transmitter transmitting a Pause control frame indicating the fullness condition of each buffer

Unitt, from the same or similar field of endeavor, teaches sending a Pause control frame when a node can no longer process any more traffic, the Pause control frame indicating the level of congestion of the queue (paragraph 58).

Thus, it would have been obvious to one of ordinary skill in the art to combine the congestion control of Unitt with the communication network of Saint Etienne at the time of the invention. The congestion control of Unitt is implemented into the communication network of Saint Etienne by sending a Pause control to restrict the traffic flow into the

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buffers. The motivation to combine the congestion control of Unitt with the communication of Saint Etienne is that it increases system throughput.

For claims 2, 28 and 54, Saint Etienne discloses controlling the flow of signal streams by temporarily halting the transmission of PDUs belonging to streams associated with buffers which are indicated as congested by the Pause control frame (paragraph 58, lines 9-12 wherein transmission is temporarily stopped based on the congestion level indicated by the Pause control frame).

For claims 3 and 29, Saint Etienne discloses each MAC frame includes a prepended address field which identifies the stream with which the encapsulated PDU is associated(col. 2, lines 21-35, where the source subscriber equipment creates frames, with each frame containing a field that identifies the virtual link to which the frame belongs)

For claims 6-7, 17-18, 32-33, and 43-44, Saint Etienne discloses for each buffer for indicating the fullness condition of the associated buffer and each single bit identifies a Xon/Xoff condition (paragraphs 131-132).

For claims 8, 19, 34 and 45, Saint Etienne discloses the Pause control frame includes a two bit identifier for each buffer indicating the fullness condition of the associated buffer (paragraphs 131-132).

For claims 10-11, 21-22, 36-37 and 47-48, Saint Etienne discloses the Pause control frame includes a Pause timer value, the Pause timer value is set to zero when the Pause control frame indicates that no buffer is experiencing congestion (paragraph 88 wherein the Pause control frame includes a timer value which may be set to zero if

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there is no congestion and traffic would not need to be halted for a certain period of time).

For claims 12, 23, 38 and 49, Saint Etienne discloses the Pause timer value is set to a pre-programmed Pause Time Value when the Pause control frame indicates that at least one buffer is experiencing congestion (paragraph 88 wherein the Pause time value may also be set to a pre-set value if the buffer is congested).

For claims 13, 24, 39 and 50, Saint Etienne discloses setting a pause refresh timer each time a Pause control frame is transmitted and transmitting a Pause control frame at the expiration of the pause refresh timer if no Pause control frame was transmitted since the pause refresh timer was set (Fig 4, steps 45-46 and paragraph lines 20-25 where in a pause control frame is sent upon expiration on the refresh timer).

For claims 14-15, 25-26, 40-41 and 51-52, Saint Etienne discloses the entire claimed invention except for setting a pause delay timer each time a Pause control frame is transmitted and transmitting a Pause control frame at the expiration of the pause delay timer if congestion conditions have changed since the last Pause control frame was transmitted, the pause delay timer is or shorter durations than the pause refresh timer (Fig 4, steps 47-48 wherein a delay timer shorter than the refresh timer is set and a pause control frame is sent upon expiration of the delay timer).

6. Claims 4-5 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saint Etienne et al. (US 7,242,683 B2) in view of Unitt et al. (US 2004/0028405 A1)

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as applied to claims 1 and 27 above, and further in view of Fite, Jr. et al. (US 6,252,888 B1).

For claims 4 and 30, Saint Etienne discloses the entire claimed invention except for the identification is mapped onto an IEEE 802.1Q VLAN tag within the MAC frame

For claims 5 and 31, Saint Etienne discloses the entire claimed invention except for the identification is an IEEE 802.1Q VLAN tag within the MAC frame which is mapped to a port

For claims 4-5, and 30-31, Saint Etienne and Unitt disclose the entire claimed invention except for identification is mapped onto an IEEE 802.1Q VLAN (virtual local area network) tag within the MAC frame. Saint Etienne does disclose placing the identification of the virtual link in an Ethernet frame (col. 2, lines 32-35); however, Saint Etienne fails to disclose where this identification is placed in the frame. Fite teaches that IEEE 802.1Q is a standard in which an Ethernet frame contains a VLAN tag (Fig. 2a and col. 3, lines 47-53, see also col. 4, lines 11-20). Fite further discloses that a VLAN tag is included with each frame to identify and route the frame over a network (col. 3, lines 17-21).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to map the identification of Saint Etienne and Unitt onto an IEEE 802.1Q VLAN tag within the MAC frame, as disclosed in Fite. The motivation to combine the modified system of Saint Etienne and Unitt is because the IEEE 802.1Q field is used in Ethernet frames to store information used to identify and route the frame, where the identification of Saint Etienne is similarly used to identify and route the frame.

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6. Claims 9, 20, 35 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saint Etienne et al. (US 7,242,683 B2) in view of Unitt et al. (US 2004/0028405 A1) as applied to claims 1, 16, 27, and 42 above, and further in view Chen

For claims 9, 20, 35 and 46 Saint Etienne discloses each two bit identifier identifies Xon/Xoff/NoChange condition

Chen, from the same or similar field of endeavor, defines three states indicating the congestion level of the buffer associated with the streams: Xon (normal), Xoff (congested) and AllXoff (seriously congested, i.e. no change from previous state of congestion).

Thus, it would have been obvious to someone of ordinary skill in the art to combine the flow control method of Chen with the modified system of Saint Etienne and Unitt at the time of the invention. The flow control of Chen is implemented into the modified system of Saint Etienne and Unitt by identifying the congestion states using 2-bits of the header field. The motivation to combine the flow control of Chen with the modified system of Saint Etienne and Unitt is increase network throughput by lowering congestion occurrence.

Response to Arguments

7 Applicant's arguments with respect to claims 1-55 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farah Faroul whose telephone number is 571-270-1421. The examiner can normally be reached on Monday - Friday 6:30 AM - 4 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

F.F.